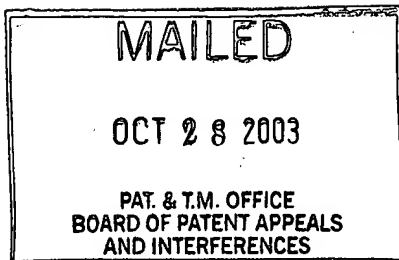


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte MARIO POLEGATO MORETTI

Appeal No. 2004-0127
Application 09/765,605

ORDER REMANDING TO EXAMINER

An examination of the file reveals that an Information Disclosure Statement (IDS) was filed October 7, 2003 (Paper No. 21). It is not apparent from the record whether the examiner considered the statement submitted or notified appellant of why his submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98. A communication notifying appellant of the Primary Examiner's decision is required.

Accordingly, it is

ORDERED that the application is remanded to the Examiner for consideration of the IDS filed October 7, 2003

Appeal No. 2004-0127
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(Paper No. 21), appropriate notification to appellant, and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



DALE SHAW

Program and Resource Administrator
(703) 308-9797

DS:psb

cc: Oblon, Spivak, McClelland, Maier & Neustadt, P.C.
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